

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LEE TICKELL,

Charging Party,

-v-

UNIVERSITY OF MONTANA,

Respondent.

Case # 0081012838, 0081012839 &
0081012810

ORDER

Lee Tickell (Tickell) filed three complaints with the Department of Labor and Industry (Department) alleging that the University of Montana (U of M) discriminated against him discriminated against him on the basis of his age. Tickell asserted U of M discriminated against him by not hiring him for three different positions he applied for even though he was more qualified than the people who were hired. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Tickell's allegations of unlawful discrimination. The Department issued three Notice of Dismissals. Tickell filed three objections with the Montana Human Rights Commission (Commission). The Commission consolidated the three objections and considered the matter on November 19, 2008.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determinations of the Department to dismiss the complaints in these cases was not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Section 49-2-511(3)(b), MCA; Mont. Code Ann. § 2-4-702.* This review must be requested within 30 days after the date this order is issued.

IT IS HEREBY ORDERED, that Lee Tickell's objections are **overruled**. The Commission affirms the determinations of the Human Rights Bureau to dismiss the complaints against the University of Montana.

DATED this ____ day of November, 2008.

Chair Ryan C. Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of November 2008.

LEE TICKELL
5331 MALEK COURT
FLORENCE MT 59833

LUCY FRANCE
UNIVERSITY OF MONTANA
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Montana Human Rights Bureau